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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,290	11/19/2001	Virginie Faineant	Q67252	8425
23373 7590 12/26/2006 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER MATTIS, JASON E	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 12/26/2006	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 09/988,290	Applicant(s) FAINEANT ET AL.	
	Examiner Jason E. Mattis	Art Unit 2616	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 27 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-3, 8, 18 and 20-30.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE


8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Attached Response to Arguments.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

  
HUY D. VU

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

### **DETAILED ACTION**

1. This Advisory Action is in response to the Amendment After Final filed 11/27/06. Claims 1-3, 8, 18, and 20-30 are currently pending in the application.

### ***Response to Arguments***

2. Applicant's arguments filed 11/27/06 have been fully considered but they are not persuasive.

Regarding Applicant's argument that the prior art of reference does not disclose a label filed having the following features:

- "a) is characteristic of one sub-network selected in the group consisting of IP logical sub-networks, private networks and multi-recipient groups, and to which a target terminal station address belongs,
- b) is characteristic of at least one spot associated with the label and including the spot in which the satellite terminal or ground station associated with the target terminal is located, and
- c) serves to determine whether the data packet shall be processed or not by the satellite terminal or ground station, which has a list of such labels used as a reception filter." (See page 7 of Applicant's Remarks)

the Examiner respectfully disagrees. First it is noted that Gudat et al. (U.S. Pat. 6771609 B1) discloses the use of a satellite network with its system; however Gudat et

al. does not provide details of how the satellite system is implemented. Yuan et al. (U.S. Pat. 6310893 B1) and Dillon et al. (U.S. Pat. 5652795) both disclose specifics of satellite communications systems. Yuan et al. discloses a label having the characteristics "a)" and "b)" as described by the Applicant's arguments. Dillon et al. discloses a label having the characteristic "c)" as described by the Applicant's arguments. Therefore, the claim rejections are based on a combination of the system and method of Gudat et al., with the Yuan et al. teaching of a satellite system and method using a label having characteristics "a)" and "b)" , and with the Dillon et al. teaching of a satellite system and method using a label having characteristic "c)".

Regarding Applicant' argument that:

"The Examiner asserts that Yuan's downlink beam locator field is an identifier having the above features a) and b). However, the downlink beam locator does not identify a sub-network selected in the group consisting of IP logical sub-networks, private networks and multi-recipient groups." (See page 8 of Applicant's Remarks)

the Examiner respectfully disagrees. Yuan et al. discloses a cell format having a downlink beam locator field 340 identifying both a cell relay satellite and a particular downlink beam in the cell relay satellite (See column 5 lines 19-30 of Yuan et al.). All the terminals in communication with a satellite relay comprise a multi-recipient group, as claimed. Therefore, the beam locator field identifying a cell relay satellite is equivalent to a label identifying a multi-recipient group, with the group being all the terminals in communication with the identified cell relay satellite. The identification of a particular

downlink beam in is equivalent to the characteristic of a spot associated with the label and including the spot in which the satellite terminal or ground station associated with the target terminal is located. Thus, Yuan et al. does disclose a label having both features "a)" and "b)".

Regarding Applicant's argument that Dillon et al. does not disclose feature "c)", the Examiner respectfully disagrees. Dillon et al. discloses using an Access Table used to filter packets by comparing table entries to address fields, which are equivalent to label fields (See column 2 lines 30-50 of Dillon et al.). This filtering function disclosed by Dillon et al. is combined with the beam locator field disclosed by Yuan et al. to form the claimed label field having features "a)", "b)", and "c)".

Regarding Applicant's argument that the features "a)", "b)", and "c)" are extracted from three different data types of three different system and one of ordinary skill in the art would not find in the three reference a proper motivation for isolating those features in a combination, the Examiner respectfully disagrees. As discussed above, Gudat et al. is used to show a network infrastructure supporting sub-networks as claimed. Gudat et al. discloses the use of satellites to form the communication network; however, Gudat et al. does not disclose the specific details of the satellite network. Yuan et al. and Dillon et al. both disclose specific details of satellite networks, and specifically the format and functions of data fields used by the satellite networks. Since Gudat et al. is vague regarding the specifics of the satellite network, one of ordinary skill in the art at the time of the invention would have been motivated to look at the teachings of both the beam locator field disclosed by Yuan et al. and the filtering function disclosed by Dillon

et al. The beam locator field of Yuan et al. provides the advantage of allowing address resolution and routing of data to be performed with less processing since the network and spot routing information is carried explicitly in the data. The filter function of Dillon et al. provides the advantage of making sure only authorized data streams are received and processed. Since the teachings of Yuan et al. and Dillon et al. both provide an advantage that is gained when used in combination with the system and method of Gudat et al., there is sufficient motivation to combine.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E. Mattis whose telephone number is (571) 272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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